

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

In re:)	
)	Chapter 11
SD-Charlotte, LLC, <i>et al.</i> , ¹)	Case No. 20-30149
)	
Debtors.)	Joint Administration Requested
)	
)	

**DEBTORS' EX PARTE MOTION FOR AN ORDER SUSPENDING
ENTRY AND SERVICE OF STANDARD NOTICE OF COMMENCEMENT**

SD-Charlotte, LLC, RTHT Investments, LLC, SD Restaurant Group, LLC, SD-Missouri, LLC and Southern Deli Holdings, LLC, debtors and debtors-in-possession in the above-captioned cases ("Debtors"), hereby move the Court on an *ex parte* basis for entry of an order suspending entry and service of the standard Notice of Chapter 11 Bankruptcy Case and Meeting of Creditors pursuant to section 105(a) of the Bankruptcy Code and Rule 2002(m) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") in connection with the Debtors' pending request for approval of an alternative form and manner of notice of commencement, as well as Debtors' request to appoint Stretto ("Stretto") as claims and noticing agent in these cases (the "Motion"). In support of this Motion, the Debtors incorporate the statements contained in the *Declaration of Brian Rosenthal in Support of the Debtors' Chapter 11 Petitions and Requests for First Day Relief* (the "First Day Declaration"),² which has been filed contemporaneously herewith and is incorporated by reference herein, and further respectfully state as follows:

¹ The Debtors, together with the last four digits of each Debtor's federal tax identification number, are: SD-Charlotte, LLC (7237); RTHT Investments, LLC (2540); SD Restaurant Group, LLC (0331); SD-Missouri, LLC (8294); and Southern Deli Holdings, LLC (9425).

² Except where otherwise indicated, capitalized terms used but not defined in this Motion have the meanings ascribed to them in the First Day Declaration.

RELIEF REQUESTED

1. Contemporaneously herewith, the Debtors have filed the *Debtors' Motion for an Order: (I) Authorizing the Filing of (A) Consolidated Master List of Creditors and (B) Consolidated List of Top Unsecured Creditors; and (II) Approving the Form and Manner of Notice of Commencement* (the "Notice Procedures Motion").

2. As set forth in the Notice Procedures Motion, the Debtors have filed a motion seeking to employ Stretto as, among other things, noticing, claims and soliciting agent in these cases. One of Stretto's responsibilities as noticing, claims and soliciting agent, if appointed, will be to serve a notice (the "Case Commencement Notice") of the commencement of these chapter 11 cases and the initial meeting of creditors under section 341(a) of the Bankruptcy Code (the "341 Meeting") in lieu of the standard notice automatically entered in chapter 11 cases filed in this jurisdiction. If the Notice Procedures Motion is approved, there will be no need for service of the standard notice of commencement. Entry of the relief requested in the Motion will also help avoid confusion that may result from the docketing and service of multiple case commencement notices. For this reason, the Debtors respectfully request that an order be entered on an *ex parte* basis suspending entry and service of the standard case commencement notice, pending an order of the Court with respect to the Notice Procedures Motion, pursuant to which, if approved, the Debtors will serve the Case Commencement Notice in the form and manner set forth therein.

NOTICE

3. No trustee, examiner, or creditors' committee has been appointed in these Chapter 11 Cases. The Debtors have served notice of the Motion on: (i) the 30 holders of the largest general unsecured claims against Debtors; (ii) the Office of the United States Bankruptcy

Administrator for the Western District of North Carolina; (iii) counsel for the Prepetition Secured Lender; (iv) counsel for the DIP Lender, (v) counsel for the MCA Parties, if known; (vi) the Securities and Exchange Commission; (vii) the U.S. Department of Treasury; and (viii) all parties who have requested notice in these Chapter 11 Cases pursuant to Bankruptcy Rule 2002, and submits that, given the nature of the relief requested, no other or further notice need be given. No previous application for the relief requested herein has been made by Debtors to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as Exhibit A, granting: (i) the relief requested herein; and (ii) such other and further relief to the Debtors as the Court may deem proper.

Dated: February 7, 2020

MOORE & VAN ALLEN PLLC

/s/ Hillary B. Crabtree

Zachary H. Smith (NC Bar 48993)

Hillary B. Crabtree (NC Bar 26500)

Joanne Wu (NC Bar 55044)

Cole B. Richins (NC Bar 44744)

100 N. Tryon Street, Suite 4700

Charlotte, NC 28202

Telephone: (704) 331-1000

Facsimile: (704) 339-5968

Email: zacharysmith@mvalaw.com

Email: hillarycrabtree@mvalaw.com

Email: joannewu@mvalaw.com

Email: colerichins@mvalaw.com

Proposed Counsel to the Debtors and Debtors-In-Possession

EXHIBIT A

SEE ATTACHED PROPOSED ORDER

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

In re:)	
)	Chapter 11
)	
SD-Charlotte, LLC, <i>et al.</i> , ¹)	Case No.
)	
Debtors.)	Joint Administration Requested
)	

**ORDER GRANTING DEBTORS' *EX PARTE* MOTION FOR ORDER SUSPENDING
ENTRY AND SERVICE OF STANDARD NOTICE OF COMMENCEMENT**

This matter coming before the Court on the Debtors' Motion for an Order Suspending Entry and Service of Standard Notice of Commencement (the "Motion");² the Court: having reviewed the Motion and the First Day Declaration, and having considered the statements set forth therein; and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. § 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b) and (iv) no notice of the Motion is necessary under the circumstances; and the Court having determined that the legal and

¹ The Debtors, together with the last four digits of each Debtor's federal tax identification number, are: SD-Charlotte, LLC (7237); RTHT Investments, LLC (2540); SD Restaurant Group, LLC (0331); SD-Missouri, LLC (8294); and Southern Deli Holdings, LLC (9425).

² Capitalized terms not otherwise defined herein shall have the meanings given them in the Motion.

factual bases set forth in the Motion and the First Day Declaration establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The clerk shall suspend entry and service of the standard notice of commencement pending further order of the Court to permit consideration of the Notice Procedures Motion, which, if approved, will obviate the need for such notice.

This Order has been signed electronically.
The Judge's signature and Court's seal
Appear at the top of the Order.

United States Bankruptcy Court